

Issue: Polymet Wetlands Issues

Background/Status: In 2005, EPA issued an objection letter in response to a Section 404 Public Notice for the Northmet Mine. In that letter, EPA requested that an EIS be completed for the proposed project. EPA wetlands staff also commented on the DEIS. EPA's April, 2010 DEIS wetlands comments included:

- The lack of information in the Wetlands Impact Assessment especially concerning indirect and cumulative impacts.
- Water Quality impacts of the mine as they relate to the 401 Certification.
- Potentially significant adverse impacts to an Aquatic Resource of National Importance (ARNI).
- Compensatory Mitigation for unavoidable impacts described in the DEIS was not sufficient.

Message:

The lead agencies and Polymet have made progress regarding many of our original concerns:

- The new Mine Site format minimizes direct and some indirect impacts to wetlands by having fewer stockpiles and stockpile access roads.
- Extensive wetland type verification was done based on the Eggers and Reed Wetland classification system. The intent is to use this study to assess the significance of impacts, predict indirect impacts to these wetland areas, and to monitor for impacts due to surficial aquifer drawdown throughout the life of the mine.
- EPA agreed to the use of concentric circles at varying distances from the pit to estimate indirect impacts to wetlands due to drawdown. The lead agencies have proposed to use limited existing analogue data from other sites in the region to determine the appropriate distances. The analogue data cannot be used for an accurate model, but it may give a good enough estimate and a basis for extensive monitoring for these impacts.

Remaining issues include:

- Monitoring/Contingency plan: Because the lead agencies are not able/willing to provide an accurate estimate of indirect impacts due to dewatering at the Mine Site, monitoring for indirect impacts and a comprehensive contingency plan to deal with those impacts will be needed.
- Recently the question of a tribal 401 Certification was brought up. EPA and the Corps of Engineers need to evaluate this issue further.
- Compensatory Mitigation: An amended mitigation plan has not yet been officially proposed. The Corps of Engineers has conceded that the original ratios were not sufficient to mitigate for impacts.
- Financial Assurances: The lead agencies have not yet proposed a plan for assuring that the monitoring and mitigation described above will be sufficiently assured.

Once the SDEIS is developed, the determination whether the project will cause the significant degradation of an ARNI should be clarified. This determination will be made as part of CWA Section 404 Permitting.

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